

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

JOSEPH BROWN, No. 712722,

Plaintiff,

Case No. 1:20-cv-11371
Hon. Thomas L. Ludington

v.

JODY LEBARRE, et al,

Defendants.

**ORDER TRANSFERRING CASE TO THE UNITED STATES DISTRICT COURT FOR
THE WESTERN DISTRICT OF MICHIGAN**

Plaintiff Joseph Brown is a Michigan prisoner incarcerated at the Ionia Maximum Correctional Facility. He has filed a *pro se* complaint naming Jody LeBarre, Nurse Doolittle, Warden Davids, CO Roberts, Nurse Fletcher, and Nurse Gaskill as Defendants. Plaintiff alleges that all the Defendants work at the Ionia facility. He asserts that Defendants refuse to provide him with a cane in retaliation for his complaints, and that they are deliberately indifferent to his painful leg condition.

The determination of the proper venue for a civil action in federal court is governed by 28 U.S.C. § 1391. The statute provides that a civil action may be brought in (1) a judicial district in which any defendant resides; or (2) a judicial district in which a substantial part of the events or omissions giving rise to the claim occurred. 28 U.S.C. 1391(b). If venue is improper in the district where a case is filed, but would be proper in another district, “a district court has the power to *sua sponte* transfer [the] case.” *Cosmichrome, Inc. v. Spectra Chrome, LLC*, 504 F. App’x 468, 472 (6th Cir. 2012).

Plaintiff's facility is located in Ionia County, Michigan where all of the Defendants are employed. The events giving rise to the complaint are also alleged to have occurred in Ionia County. Ionia County is located in the Western District of Michigan. 28 U.S.C. § 102(b). The facts in the complaint indicate that venue would be proper in the Western District rather than in the Eastern District. The interests of justice would be served by transferring the case to the Western District where it should have been filed in the first instance. 28 U.S.C. § 1406(a).

Accordingly, it is **ORDERED** that this case be **TRANSFERRED** to the United States District Court for the Western District of Michigan pursuant to 28 U.S.C. §1406(a).

It is noted that Plaintiff's motion to proceed *in forma pauperis* has not been decided, nor has the Court reviewed Plaintiff's complaint under 28 U.S.C. §§ 1915(e)(2), 1915A, or under 42 U.S.C. §1997e(c).

Dated: June 15, 2020

s/Thomas L. Ludington
THOMAS L. LUDINGTON
United States District Judge

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon **Joseph Brown** #712722, IONIA MAXIMUM CORRECTIONAL FACILITY, 1576 W. BLUEWATER HIGHWAY, IONIA, MI 48846 by first class U.S. mail on June 15, 2020.

s/Kelly Winslow
KELLY WINSLOW, Case Manager